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PART IV

Acts of the Dominion Legislature assented to by the Governor General

GOVERNMENT OF INDIA
MINISTRY OF LAW

New Delhi, the 1st April, 1949

The following Acts of the Dominion Legislature received the assent of the Governor-General on the 1st April, 1949 and are hereby published for general information:—

ACT No. XV OF 1949

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1949.

2. **Amendment of section 503, Act V of 1898.**—In section 503 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code),—

(1) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

“(2) When the witness resides in a tribal area, the commission may be issued to the officer exercising the powers of a District Magistrate in, or in relation to, such area.

(2A) When the witness resides in an Acceding State, or in any area in, or in relation to, which the Central Government has extra provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), the commission may be issued to such Court in the State or area as may be specified by the Central Government by notification in the official Gazette as a Court to which commissions may be issued under this sub-section, within the local limits of whose jurisdiction the witness resides.

(2B) When the witness resides in the United Kingdom or in any British possession outside India or in the Union of Burma, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Central Government by notification in the official Gazette.”

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Where the commission is issued to an officer exercising the powers of a District Magistrate in a tribal area under sub-section (2), he may, in lieu of proceeding in the manner laid down in sub-section (3), delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in the Provinces of India.”

3. Amendment of section 505, Act V of 1898.—In section 505 of the said Code,—

(i) in sub-section (1), for the words, brackets, letter and figures “and, except in a case to which clause (b) of sub-section (4) of section 503 applies, the Magistrate” the words “and the Magistrate” shall be substituted; and the sentence beginning with the words “In a case to which” and ending with the words “forwards the commission for execution” shall be omitted;

(ii) in sub-section (2), for the words, brackets, letter and figures “except in a case to which clause (b) of sub-section (4) of section 503 applies, before such officer” the word “officer” shall be substituted.

4. Amendment of section 507, Act V of 1898.—In sub-section (1) of section 507 of the said Code, the words, brackets, letter and figures “or, in a case to which clause (b) of sub-section (4) of section 503 applies, has been again received by the officer by whom it was forwarded to the State Court” shall be omitted.

5. Amendment of section 508A, Act V of 1898.—In section 508A of the said Code, for the words “by a Magistrate or Court in Burma under the law in force in Burma” the words “by any Court or Judge having authority in this behalf in the United Kingdom or in any British possession outside India or in the Union of Burma under the law in force in that country” shall be substituted.

6. Repeal of Ordinance XXXII of 1948.—The Code of Criminal Procedure (Amendment) Ordinance, 1948 (XXXII of 1948), is hereby repealed.

ACT No. XVI of 1949

An Act to provide for exempting the reduced salary of the Governor-General from taxes on income.

WHEREAS paragraph one of the Third Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2) provides that there shall be paid to the Governor-General an annual salary of 2,50,800 rupees;

AND WHEREAS the Governor-General and his Council of Ministers have agreed that notwithstanding the above provision, the Governor-General will, with effect from the 1st day of January, 1949, draw salary at a rate not exceeding 5,500 rupees per month and that the reduced salary will be exempt from taxes on income;

AND WHEREAS it is expedient to provide for exempting from taxes on income the reduced salary of the Governor-General;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Governor-General's Salary (Exemption from Taxation) Act, 1949.

2. Reduced salary of the Governor-General to be exempt from taxes on income.—Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), or in any other law relating to taxation on income, no income-tax or super-tax shall be payable by the Governor-General in respect of the salary due to him (whether paid or not) for any period for which he draws salary at a rate not exceeding 5,500 rupees per month, and the salary so due (whether paid or not) shall not be included in his total income.

3. Repeal of Ordinance IV of 1949.—The Governor-General's Salary (Exemption from Taxation) Ordinance, 1949 (IV of 1949), is hereby repealed.

ACT No. XVII of 1949

An Act to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India.

WHEREAS it is expedient to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Criminal Law (Removal of Racial Discriminations) Act, 1949.

(2) It extends to all the Provinces of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Amendment of Act XLV of 1860.—In the Indian Penal Code (XLV of 1860),—

(1) in section 58, the words “*Thirdly*,—Penal servitude;” shall be omitted;

(2) section 56 shall be omitted;

(3) in section 222, the words “or penal servitude for life,” and “or penal servitude” shall be omitted;

(4) in section 225, the words “penal servitude,” shall be omitted.

3. Amendment of Act V of 1898.—In the Code of Criminal Procedure, 1898 (V of 1898),—

(1) in sub-section (1) of section 4,—

(a) clause (i) shall be omitted;

(b) for clause (j), the following clause shall be substituted, namely:—

“(j) “High Court” means the highest Court of criminal appeal or revision for any local area; or, where no such Court is established under any law for the time being in force, such officer as the Provincial Government may appoint in this behalf;”

(2) sections 29A, 84A, 275, 284A and 285A shall be omitted;

(3) in section 812, the proviso shall be omitted;

(4) in section 826,—

(a) in sub-section (1), the words “and including, where any accused person is an European or an American, as many Europeans or Americans as may be required for the purpose of choosing jurors or assessors for the trial” shall be omitted;

(b) sub-sections (3) and (4) shall be omitted;

(5) in section 370, in clause (d), the brackets and words "(except in the case of an European British subject)" shall be omitted;

(6) in section 393, in clause (b), the words "or to penal servitude," shall be omitted;

(7) in section 396,—

(a) in sub-sections (1) and (3), the words "penal servitude" shall be omitted;

(b) in clause (a) of the *Explanation*, the words "or penal servitude" shall be omitted;

(8) in section 397, the words "penal servitude", wherever they occur, shall be omitted;

(9) in section 398, in sub-section (2), the words "or penal servitude for an offence punishable with imprisonment" shall be omitted, and for the words "transportation or penal servitude" the words "or transportation" shall be substituted;

(10) in section 402, in sub-section (1), the words "penal servitude" shall be omitted;

(11) Chapter XXXIII shall be omitted;

(12) in section 478, in sub-section (2), the words and figures "and of Chapter XXXIII in cases where that Chapter applies" shall be omitted;

(13) in section 480, sub-section (2) shall be omitted;

(14) section 491A shall be omitted;

(15) Chapter XLIVA shall be omitted;

(16) section 534 shall be omitted;

(17) in Schedule II,—

(a) in the second column relating to section 222, the words "or penal servitude for life" and "or penal servitude" shall be omitted;

(b) in the second column relating to section 225, the words "penal servitude" shall be omitted.

4. Amendment of Act III of 1900.—In the Prisoners Act, 1900 (III of 1900),—

(a) in section 8, the words "or penal servitude", in both places where they occur, shall be omitted;

(b) Part V shall be omitted.

5. Amendment of Act XV of 1903.—In the Indian Extradition Act, 1903 (XV of 1903),—

(a) in section 2, clause (a) shall be omitted;

(b) in sub-section (1) of section 7, the words "not being a European British subject" shall be omitted.

6. Amendment of the First Schedule to Act IX of 1908.—In the First Schedule to the Indian Limitation Act, 1908 (IX of 1908), article 150A shall be omitted.

7. Repeal of Acts XXIV of 1855 and IX of 1874.—The Penal Servitude Act, 1855 (XXIV of 1855), and the European Vagrancy Act, 1874 (IX of 1874), are hereby repealed.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.